

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

PHILIP YORK, )  
v. Plaintiff, ) Case No. 12-cv-8824  
CAPITAL MANAGEMENT ) Honorable Milton I. Shadur  
SERVICES INC. ) Magistrate Michael T. Mason  
Defendant. )

**NOTICE OF MOTION**

TO: Philip York  
2456 East 72<sup>nd</sup> Street  
Chicago, Illinois 60649

**PLEASE TAKE NOTICE** that on **Thursday, February 21, 2013 at 9:00 a.m.** or as soon thereafter as counsel may be heard, I shall appear before the Honorable Milton I. Shadur, or any judge sitting in his stead, in Room 2303, at the United States District Court, 219 South Dearborn Street, Chicago, Illinois, and shall then and there present the **Defendant's Rule 12(b)(6) Motion to Dismiss**, a copy of which is served upon you.

CAPITAL MANAGEMENT SERVICES, LP

By: /s/ Matthew T. Kinst  
One of its attorneys

Joseph P. Kincaid, Esq. (ARDC No. 6202639)  
Matthew T. Kinst, Esq. (ARDC No. 6296945)  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **Defendant's Rule 12(b)(6) Motion to Dismiss** was served upon:

Philip York  
2456 East 72<sup>nd</sup> Street  
Chicago, Illinois 60649  
Pyork1969@gmail.com

**via Electronic Mail and U.S. Mail, proper postage prepaid, before the hour of 5:00 p.m., this 19<sup>th</sup> day of February, 2013, from the law offices of Swanson, Martin & Bell, LLP, 330 North Wabash Avenue, Suite 3300, Chicago, Illinois 60611.**

[] Under penalties as provided by law, the undersigned certifies that the statements set forth in this Certificate of Service are true and accurate.

Pamela Canington